

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

UNITED STATES OF AMERICA : **SEALED INDICTMENT**

-v.- : 08 Cr.

FRANCISCO ESTEVEZ,
a/k/a "Danilo," :

:

Defendant. :

:

x

COUNT ONE

(Alien Smuggling)

The Grand Jury charges:

USDC SDNY
DOCUMENT
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DOC #: DEC 02 2008
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BACKGROUND

1. At all times relevant to this Indictment, an A-2 visa was a diplomatic visa available to an alien who sought to enter and live in the United States while serving as a full-time employee at a permanent diplomatic or consular post. To qualify for an A-2 visa, an individual must provide, among other things, proof of employment at a diplomatic or consular post. One of the benefits of an A-2 visa is expeditious treatment at the port of entry, which is typically an airport. Immediate family members of the A-2 visa holder, such as parents, spouses and children, may also be entitled to A-2 visas and their benefits.

2. At all times relevant to this Indictment, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, was a clerk at the Dominican Republic consulate located in New York, New York, and has held a validly issued A-2 visa.

3. At all times relevant to this Indictment, the wife, mother, and six children of FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, also held A-2 visas due to their relationship to ESTEVEZ.

THE ALIEN SMUGGLING SCHEME

4. As set forth more fully below, from in or about October 2007, up to and including in or about July 2008, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, engaged in an illegal scheme to smuggle aliens into the United States.

5. As part of the scheme, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, took advantage of his and his family's diplomatic status as A-2 visa holders in order to smuggle various Dominican nationals into the United States. The aliens posed as Estevez' family members, using the family members' passports and A-2 visas to sneak into the United States. ESTEVEZ charged each alien approximately \$10,000 to bring him/her into the country illegally.

6. As a further part of the scheme, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, would book a one-way airline ticket to the Dominican Republic. While in the Dominican Republic, ESTEVEZ would interview candidates to smuggle into the United States to make sure that they resembled one of his family members with respect to age, gender, and appearance. A few days later, ESTEVEZ would fly back to the United States with as many

as seven additional people who he would attempt to pass off as his family members, using the A-2 visas and passports issued to ESTEVEZ's family members. On average, ESTEVEZ would smuggle aliens from the Dominican Republic into the United States twice a month.

THE SMUGGLING OF CS-1

7. In or about early May 2008, a cooperating source ("CS-1") met with FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, in the Dominican Republic to obtain his assistance in illegally entering the United States. ESTEVEZ first interviewed CS-1 to make sure that CS-1 was a suitable candidate for the trip by assessing whether she resembled a member of ESTEVEZ' family. At the end of the interview, ESTEVEZ informed CS-1 that he could help her get into the United States for \$10,000.

8. On or about May 11, 2008, CS-1 paid FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, a smuggling fee of \$10,000.

9. On or about May 16, 2008, CS-1 met FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, at a hotel in Santo Domingo, in the Dominican Republic. ESTEVEZ, CS-1, and three other women, traveled together to the airport in Santo Domingo and then flew to Newark, New Jersey. CS-1 traveled using a passport that had been issued to one of ESTEVEZ's daughters. Once they arrived at the Newark airport, ESTEVEZ, CS-1 and the

three others being smuggled into the United States were met by friends and family. CS-1 was picked up by family members who took her to her new residence in the Bronx, New York.

STATUTORY ALLEGATION

10. In or about May 2008, in the Southern District of New York and elsewhere, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, and others known and unknown, knowing and in reckless disregard of the fact that an alien had not received prior official authorization to come to, enter, and reside in the United States, unlawfully, willfully, and knowingly, did bring to and attempt to bring to the United States such alien, for the purpose of commercial advantage and private financial gain, to wit, ESTEVEZ, in exchange for \$10,000, gave CS-1, a citizen of the Dominican Republic, a passport issued in the name of ESTEVEZ's daughter bearing an A-2 visa so that CS-1 could unlawfully enter the United States and reside in the Bronx, New York.

(Title 8, United States Code, Section 1324(a)(2)(B)(ii).)

COUNT TWO

(Alien Smuggling)

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 9 are realleged and incorporated herein by reference.

12. In or about May 2008, in the Southern District of New York and elsewhere, FRANCISCO ESTEVEZ, a/k/a "Danilo," the

defendant, unlawfully, willfully, and knowingly, and for the purpose of commercial advantage and private financial gain, encouraged and induced an alien to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and would be in violation of law, to wit, ESTEVEZ, in exchange for \$10,000, gave CS-1, a citizen of the Dominican Republic, a passport issued in the name of ESTEVEZ's daughter bearing an A-2 visa so that CS-1 could unlawfully enter the United States and reside in the Bronx, New York.

(Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (a)(1)(B)(i).)

FORFEITURE ALLEGATIONS

13. As a result of committing one or more of the alien smuggling offenses alleged in Counts One and Two of this Indictment, FRANCISCO ESTEVEZ, a/k/a "Danilo," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(6) and 8 U.S.C. § 1324(b), the gross proceeds of the offenses; all conveyances used in the commission of the violations; all property, real and personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offenses; and all property, real and personal, that was used to facilitate, or was intended to be used to facilitate, the commission of the offenses.

Substitute Assets Provision

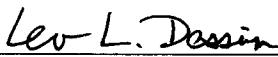
14. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
 - (2) has been transferred or sold to, or deposited with, a third person;
 - (3) has been placed beyond the jurisdiction of the Court;
 - (4) has been substantially diminished in value; or
 - (5) has been commingled with other property which cannot be subdivided without difficulty;
- it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; Title 8, United States Code, Section 1324.)



FOREPERSON



LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANCISCO ESTEVEZ,
a/k/a "Danilo,"
Defendant.

INDICTMENT

08 Cr.

(8 U.S.C. §§ 1324.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Mike Tugz
Foreperson.

2/8/08. Unsealing Order signed case assigned
to Judge Castel for all purposes.

Slaton, J. U.S.M.J.